

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAYVEN JUSTICE,

No. C-14-01767 DMR

Plaintiff(s),

**ORDER RE: EX PARTE APPLICATION  
FOR ORDER DIRECTING SERVICE  
ON DEFENDANT CORPORATION BY  
DELIVERY OF PROCESS TO  
SECRETARY OF STATE [DOCKET NO.  
18]**

v.

ICE KING ENTERPRISES LLC,

Defendant(s).

Plaintiff Rayven Justice filed an ex parte application requesting the court issue an order permitting Plaintiff to serve Defendant Ice King Enterprises LLC d/b/a/ Ice King Music by delivering process to the California Secretary of State. [Docket No. 18.]

When a plaintiff “show[s] by affidavit to the satisfaction of the court that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent by hand,” he or she may apply to the court for an order that service be made by hand delivery of the summons and complaint to the California Secretary of State. Cal. Corp. Code § 1702(a); *see also* Fed. R. Civ. P. 4(e)(1) (authorizing service in any manner permitted by state where district court is located); *Verizon California Inc. v. OnlineNIC Inc.*, No. C 08-2832 JF(RS), 2008 WL 4848881 at \*3 (N.D. Cal. Nov. 7, 2008) (granting ex parte application for service by delivery to Secretary of State).

Here, Plaintiff’s application does not include the required affidavit. It is therefore **denied without prejudice**. Plaintiff may refile the application with an affidavit that meets the requirements

1 of Cal. Corp. Code § 1702(a), including by listing in clear chronological order Plaintiff's attempts to  
2 serve Defendant.

3  
4  
5 IT IS SO ORDERED.

6  
7 Dated: August 18, 2014

